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**Date:** March 21, 2005

**Time:** \_\_\_\_\_ .m. (Minneapolis)

**Number of pages (including this page):** 19 **F&B File No.:** 309248 **Rec.:** 993

**From:** Tong Wu

**Telephone Number:** 612/766-6804

**To:** LEWIS, Ralph A.  
Art Unit: 3632

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**Patent & Trademark Office, Technology Center 3600**

<b>Inventor(s):</b> DANIEL G. SCHMIEL et al.	<b>Examiner:</b> LEWIS, Ralph A.
<b>Appln. No.:</b> 09/921,008	<b>Group Art Unit:</b> 3632
<b>Filing Date:</b> August 2, 2001	
<b>Title:</b> POSTERIOR OBLIQUE LUMBAR ARTHRODESIS	<b>Docket No.</b> 75028-309248

**Documents attached:**

Request for Continued Examination (RCE) Transmittal (1 page)  
Reply (15 pages)  
Petition for Three-Month Extension of Time (1 page)  
Credit Card Payment Form \$5,510 (1 page)

**If you do not receive all pages, please call the Fax Center at 612/766-1650 or Elaine Raiten at 612/766-8728.**

<b>Request For Continued Examination (RCE) Transmittal</b>  Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/921,008
	Filing Date	August 2, 2001
	First Named Inventor	Daniel G. Schmiel
	Art Unit	3632
	Examiner Name	LEWIS, Ralph A.
	Attorney Docket Number	75028 - 309248

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. ☐ Submission required under 37 C.F.R. 1.14. Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on  
 ii. ☐ Other

- b. ☒ Enclosed

- i. ☒ Amendment/Reply  
 ii. ☐ Affidavit(s)/Declaration(s)  
 iii. ☐ Information Disclosure Statement (IDS)  
 iv. ☐ Other

2. ☐ Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)  
 b. ☐ Other

3. ☐ Fees. The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

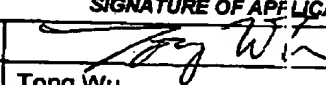
- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 06-0029. I have enclosed a duplicate copy of this sheet.

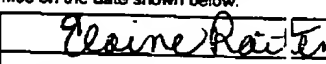
- i. ☐ RCE fee required under 37 C.F.R. 1.17(e)  
 ii. ☐ Extension of time fee (37 C.F.R. 1.116 and 1.17)  
 iii. ☐ Other

- b. ☐ Check in the amount of \$ enclosed

- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Signature		Date	March 21, 2005
Name (Print /Type)	Tong Wu	Registration No. (Attorney/Agent)	43,361

CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.			
Signature		Date	March 21, 2005
Name (Print /Type)	Elaine Raiten		

SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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